

REMARKS

Applicant has studied the Final Office Action dated September 9, 2009. Claims 1, 4, 7, 8, 10-23, and 25-29 are pending. Claims 11-22 have been withdrawn from consideration due to a previous restriction requirement. Claims 1, 4, 7, and 25 have been amended in compliance with 37 CFR § 1.116(b) to more clearly claim disclosed embodiments and claim 24 has been canceled without prejudice. Claims 27-29 have been newly added to claim disclosed embodiments more completely. Claims 1, 11, 12, 19, 21, and 22 are independent claims.

No new matter has been added as the amendments and the new claims have support in the specification as originally filed. In particular, claims 1, 4, 7, and 25 have been amended to correct typographical or grammatical errors or to correct dependency in view of a canceled claim and it is respectfully submitted that the amendments are not related to patentability. Further, new claims 25-29 depend from independent claim 1. As such, this amendment raises no new issues requiring further consideration and/or search, and accordingly entry is believed proper, and is respectfully requested.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Interview Summary

Applicant gratefully acknowledges the telephonic interview with the Examiner conducted on November 4, 2009. Applicant has attempted to address the issues raised by the Examiner in the interview with this response. The Examiner's comments and explanations were helpful and very much appreciated. Pursuant to MPEP § 713.04, Applicant provides the following remarks.

The Examiner was provided with a draft response to the Final Office Action of September 9, 2009 before the interview and independent claim 1 and its dependent claim 26 were discussed. The position set forth during the interview was essentially that which is set out in the present response.

The Examiner acknowledged Applicant's position, and agreed that the Applicant's arguments were found persuasive. The Examiner further indicated that the rejections discussed below will be withdrawn in view of the persuasive arguments. The Examiner's attention to this application is gratefully acknowledged.

§ 112 Rejections

The Examiner rejected claim 26 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserted that the disclosure in the specification does not support "the first and second data types being located at the main data area" because the specification is silent regarding specific arrangement of the lead-in area, main data area, and lead-out area, in relation to the first and second data types.

It is respectfully submitted that the recitation "one of the plurality of predetermined data units comprises a first data type and a second data type, the first data type including user data, and the second data type linking first data types and not containing the user data" in independent claim 1 inherently supports "the first and second data types being located at the main data area" recited in its dependent claim 26 because the plurality of predetermined data units inherently correspond to the main data area as supported in the specification and FIG. 3 among others. It is respectfully asserted that the grounds for the rejection of claim 26 have been overcome. It is respectfully requested that the Examiner withdraw the rejection.

§ 103 Rejections

Claims 1, 4, 7, 8, 10, and 23-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heemskerk et al. ("Heemskerk" U.S. Patent No. 6,628,584) in view of the admitted prior art and Lee et al. ("Lee" U.S. Patent No. 6,442,128). This rejection is respectfully traversed.

With this paper, claim 24 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 24 and it is respectfully requested that the rejection be withdrawn.

With regard to the rejection of independent claim 1, the Examiner acknowledges, at paragraph 6(b) of the Final Office Action, that Heemskerk does not disclose that a size of the second data type is the same as a size of each of the plurality of sub-units. It appears that the Examiner also admits that Lee fails to cure the above identified deficiencies of Heemskerk with respect to independent claim 1 as the Examiner asserts that the admitted prior art is relied upon for teaching the above identified deficiencies of Heemskerk.

In particular, the Examiner asserts that FIG. 2 of the admitted prior art shows a “linking loss area” (corresponding to the claimed second data type) having a size of 2KB, which is the same as a size of the sectors (corresponding to the claimed “sub-units”) shown in FIG. 1 of the admitted prior art. It is not clear how two different elements that are not related and are disclosed in unrelated figures can be interpreted to disclose two related elements of the same size, specifically, the second data type and each of the plurality of sub-units, as recited in independent claim 1 and exemplified in FIG. 3 of the present application. FIGs. 1 and 2 of the present application, cited as the admitted prior art, are shown below.

FIG. 1

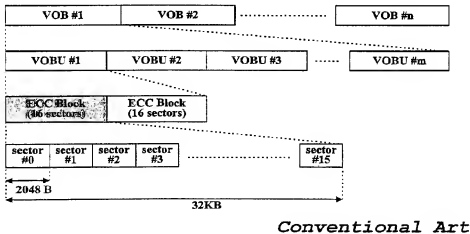
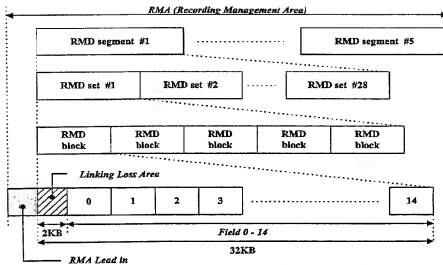


FIG. 2



Conventional Art

FIG. 1 shown above discloses a hierarchical structure of real-time data recorded in the data recording area of a **DVD-ROM** and the size of a sector is 2048 Bytes. FIG. 2 shown above discloses a data structure recorded discontinuously in a **rewritable DVD-RW** and a size of a linking loss area is 2Kbytes. Therefore, FIGs. 1 and 2 disclose completely different types of recording media, DVD-ROM, which is read-only, and DVD-RW, which is rewritable. It is noted that each ECC (Error Correcting Code) block disclosed in FIG. 1 consists of 16 sectors (#0-#15) and each RMD (Recording Management Data) block disclosed in FIG. 2 is constructed with 15 data fields (0-14) and a linking loss area. Therefore, the structures of the DVD-ROM and the DVD-RW are not the same and are clearly distinguishable.

Despite the above discussed differences between the disclosure of FIG. 1 and the disclosure of FIG. 2, the Examiner asserts that the size of the linking loss area disclosed in FIG. 2 and the size of the sectors disclosed in FIG. 1 are same, and therefore, the combined disclosure of FIGs. 1 and 2 cures the deficiencies of Heemskerk and Lee with respect to the size of the second data type that is the same as the size of each of the plurality of sub-units, as recited in independent claim 1. It is respectfully submitted that the combined disclosure of FIGs. 1 and 2 or the admitted prior art cannot cure the above identified deficiencies of Heemskerk and Lee with

respect to independent claim 1 for the above discussed reasons.

Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claims 4, 7, 8, 10, 23, 25, and 26, which depend from independent claim 1, also are allowable, at least, by virtue of their dependency from the allowable base claim.

New Claims

With this paper, new claims 27-29 have been added. It is respectfully asserted that claims 27-29, which depend from independent claim 1, are allowable at least by virtue of their dependency from the allowable base claim as well as their recited features.

CONCLUSION

In view of the above remarks, Applicant submits that all pending claims of the present application are in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned agent at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Waimey

Date: November 6, 2009

By: /Harry S. Lee/

Harry S. Lee

Registration No. 56,814

Customer No. 035884